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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

2004 FEB 25 A 10: 14

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE JOINT APPLICATION  
OF RANCHO CABRILLO WATER COMPANY,  
RANCHO CABRILLO SEWER COMPANY,  
ARIZONA-AMERICAN WATER COMPANY,  
AGUA FRIA DISTRICT AND ARIZONA-  
AMERICAN WATER COMPANY,  
ANTHEM/AGUA FRIA DISTRICT [DISTCO] FOR  
THE TRANSFER OF CERTIFICATES OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
WATER AND WASTE WATER UTILITY  
SERVICES AND EXTENSION OF SERVICE  
AREA.

DOCKET NO. W-03898A-04-0089  
DOCKET NO. SW-03898A-04-0089  
DOCKET NO. W-01303A-04-0089  
DOCKET NO. WS-01303A-04-0089

DOCKETED

FEB 25 2004

DOCKETED BY

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 6, 2004, Rancho Cabrillo Water Company ("RCWC"), Rancho Cabrillo Sewer Company ("RCSC"), and Arizona-American Water Company ("Arizona-American"), through its Agua Fria Water District and through its Anthem/Agua Fria Wastewater District (collectively, "Applicants") jointly filed with the Arizona Corporation Commission ("Commission") an application to transfer RCWC's and RCSC's Certificates of Convenience and Necessity ("CC&Ns") to Arizona-American. The application also requested an extension of Arizona-American's service territory under its existing CC&Ns for the Agua Fria Water District and its Anthem/Agua Fria Wastewater District.

On February 24, 2004, the Commission's Utilities Division Staff ("Staff") filed a letter informing Applicants that the application is administratively complete. Accordingly, the Commission now issues this Procedural Order pursuant to A.A.C. R14-3-101 to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing on the above-captioned matter shall commence on **May 20, 2004, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
2 except that all motions to intervene must be filed on or before May 6, 2004.

3 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or  
4 before May 13, 2004.

5 IT IS FURTHER ORDERED that Applicants shall provide public notice of the hearing in this  
6 matter, in the following form and style:

7  
8 **PUBLIC NOTICE OF HEARING ON THE JOINT APPLICATION OF RANCHO**  
9 **CABRILLO WATER COMPANY, RANCHO CABRILLO SEWER COMPANY AND**  
10 **ARIZONA-AMERICAN WATER COMPANY FOR THE TRANSFER OF THE RANCHO**  
11 **CABRILLO CERTIFICATES OF CONVENIENCE AND NECESSITY TO ARIZONA-**  
12 **AMERICAN WATER COMPANY AND FOR THE EXTENSION OF ARIZONA-**  
13 **AMERICAN'S SERVICE TERRITORY UNDER ITS EXISTING CERTIFICATES OF**  
14 **CONVENIENCE AND NECESSITY.**

15 On February 6, 2004, Rancho Cabrillo Water Company, Rancho Cabrillo Sewer Company,  
16 Arizona-American Water Company, Agua Fria Water District and Arizona-American  
17 Company, Anthem/Agua Fria Wastewater District (collectively, "Applicants") jointly filed  
18 with the Arizona Corporation Commission ("Commission") an application to transfer Rancho  
19 Cabrillo Water Company and Rancho Cabrillo Sewer Company's Certificates of Convenience  
20 and Necessity ("CC&N") to Arizona-American and for the extension of Arizona-American's  
21 service territory under its existing Certificates of Convenience and Necessity in **Docket Nos.**  
22 **W-03898A-04-0089, SW-03898A0-04-0089, W-01303A-04-0089 and WS-01303A-04-**  
23 **0089.** If the Commission approves the application, Arizona-American will be the exclusive  
24 provider of water and wastewater utility service to the proposed areas, and will be required by  
25 the Commission to provide service under rates and charges and terms and conditions  
26 established by the Commission. The application is available for inspection during regular  
27 business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street,  
Phoenix, Arizona, and at the offices of Applicants, [insert addresses].

28 The Commission will hold a hearing on this matter beginning **May 20, 2004, at 9:30 a.m.,** at  
the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment  
will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances,  
interested persons may intervene in the proceedings and participate as a party. You may have  
the right to intervene in the proceeding. Intervention shall be in accordance with A.A.C. R14-  
3-405, except that all motions to intervene must be filed on or before **May 6, 2004.** Persons  
desiring to intervene must file a written motion to intervene with the Commission and send  
such motion to Applicants or their counsel and to all parties of record. The motion shall, at  
the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and any  
party upon whom service of documents is to be made if different from the  
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,

a customer or potential customer of Applicants, a shareholder of Applicants, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to Applicants or their counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application. You will not receive any further notice of this proceeding unless you request it.

If you have any questions about this application, or want further information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Yvonne McFarlin, ADA Coordinator, voice phone number 602/542-3931, E-mail [ymcfarlin@cc.state.az.us](mailto:ymcfarlin@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicants shall cause a copy of the above notice to be published in a newspaper of general circulation in all the affected areas by April 15, 2004.

IT IS FURTHER ORDERED that Applicants shall mail to each of Arizona-American's Agua Fria District and Anthem/Agua Fria Wastewater District's customers a copy of the above notice by April 15, 2004.

IT IS FURTHER ORDERED that Applicants shall file certification of mailing and publication as soon as practicable after the mailing and publication have been completed, but not later than April 22, 2004.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall file a Staff Report on the application on or before **April 29, 2004.**

IT IS FURTHER ORDERED that Applicants and intervenors shall file written objections to the Staff Report by **May 13, 2004.**

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

...

1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
2 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 25<sup>th</sup> day of February, 2004.

6  
7  
8   
9 TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered  
11 this 25 day of February, 2004 to:

12 Michael M. Grant  
13 Todd C. Wiley  
14 GALLAGHER & KENNEDY, PA  
15 2575 E. Camelback Road  
16 Phoenix, Arizona 85016-9225  
17 Attorneys for Arizona-American Water Company

18 Blaine Akine  
19 ARIZONA-AMERICAN WATER COMPANY  
20 19820 N. 7<sup>th</sup> Street, Suite 201  
21 Phoenix, Arizona 85024

22 Steve Robson  
23 RANCHO CABRILLO WATER/SEWER COMPANY  
24 9532 E. Riggs Road  
25 Sun Lakes, Arizona 85248

26 Mark Dioguardi  
27 TIFFANY & BOSCO  
28 1850 N. Central Avenue  
Phoenix, Arizona 85004-4546  
Attorneys for Rancho Cabrillo Water/Sewer Company

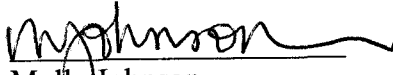
Christopher K. Kempley  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

...

1 Ernest G. Johnson  
Utilities Division  
2 ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
3 Phoenix, Arizona 85007

4 ARIZONA REPORTING SERVICE, INC  
2627 N. Third Street, Suite Three  
5 Phoenix, Arizona 85004-1103

6  
7 By:

  
Molly Johnson  
8 Secretary to Teena Wolfe